

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OZIE C. CARGILE, II,

Case No. 10-10072

Plaintiff,

HONORABLE ARTHUR J. TARNOW
SENIOR UNITED STATES DISTRICT JUDGE

v.

STATE OF MICHIGAN, ET AL.,

HONORABLE VIRGINIA M. MORGAN
UNITED STATES MAGISTRATE JUDGE

Defendants.

**ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION [33] AND GRANTING DEFENDANTS'
MOTIONS TO DISMISS [12, 15, 17, 18, 23]**

Before the Court is the Magistrate Judge's Report and Recommendation [33] of June 18, 2010. The Report and Recommendation recommends that Plaintiff's Complaint [1] against Defendants be dismissed. On July 2, 2010, Plaintiff filed an Objection. Defendant Royal Oak filed a response on July 16, 2010, Defendant State of Michigan filed a response on July 19, 2010, and Defendant Charter Township of Clinton filed a joinder and concurrence in those responses on July 22, 2010.

I. PLAINTIFF'S OBJECTIONS TO THE REPORT AND RECOMMENDATION

In his objection, Plaintiff alleges that the Magistrate Judge does not identify any precedent to support her finding that under the government's power to regulate the highways (a power Plaintiff states the government possesses but for purposes of public safety), there is no distinction between the ability of the state to regulate commercial and non-commercial vehicles. However, the Magistrate Judge properly concludes in the Report and Recommendation that under the cited case law and Michigan statutory law, Plaintiff's arguments regarding the non-

commercial nature of his vehicle lack merit.

II. CONCLUSION

The Court has reviewed the record and being fully advised in the premises,

IT IS ORDERED that the Report and Recommendation [33] of the Magistrate Judge is hereby **ADOPTED**.

IT IS FURTHER ORDERED that Defendants' Motions to Dismiss [12, 15, 17, 18, 23] are **GRANTED**. Plaintiff's complaint is hereby dismissed.

SO ORDERED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow

Senior United States District Judge

Dated: August 13, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record and

Ozie C Cargile, II

2804 Coolidge Highway, Apt #24

Royal Oak, MI 48073

on August 13, 2010, by electronic and/or ordinary mail.

S/LISA M. WARE

Case Manager